

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Julio Lopez Madrid,
a.k.a.: Antonio Lopez-Lopez,
a.k.a.: Antonio Lopez Lopez,
(A098 914 888)Defendant

Case No. 17-8370MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 2, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Julio Lopez Madrid, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about January 15, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brooke T. Afshari

☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 5, 2017


Judge's signature

City and state: Phoenix, ArizonaJohn Z. Boyle,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 2, 2017, Julio Lopez Madrid was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Madrid was examined by ICE Officer R. Lemme who determined Madrid to be a citizen of Mexico, illegally present in the United States. On the same date, a detainer was lodged with the county jail. On September 3, 2017, Madrid was released from MCJ and transported to the Phoenix ICE office for further investigation and processing. Madrid was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Julio Lopez Madrid to be a citizen of Mexico and a previously deported criminal alien. Madrid was removed from the United States to Mexico at or near Nogales, Arizona, on or about January 15, 2016, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no

record of Madrid in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Madrid's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Julio Lopez Madrid was convicted of Solicitation to Commit Sale or Transportation of Dangerous Drugs, a felony offense, on or about July 15, 2014, in the Superior Court of Arizona, Maricopa County. Madrid was sentenced to two (2) years' incarceration. Madrid's criminal history was matched to him by electronic fingerprint comparison.
5. On September 3, 2017, Julio Lopez Madrid was advised of his constitutional rights. Madrid freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 2, 2017, Julio Lopez Madrid, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about January 15, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

A handwritten signature in black ink, appearing to read 'D. McNeill', written over a horizontal line.

Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 5th day of September, 2017.

A handwritten signature in black ink, appearing to read 'J. Boyle', written over a horizontal line.

John Z. Boyle,
United States Magistrate Judge